

# DIVORCE PACKET

## COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION

P.O. Box 368  
Anadarko, Oklahoma 73005

Phone: 405/247-8511 or 405/247-8508  
Fax: 405/247-7240

The forms in this packet are to be used as a template, if you are seeking a divorce. Please read the instructions carefully before completing the forms. The Court Clerks CANNOT accept petitions that does not conform to the instructions included in this packet.

Should you need assistance in preparing the petition, you must consult with an attorney at your own expense. This court does not have legal aid. The Court Clerks are prohibited by Ethical Code and Court Rules to provide legal advice and help parties prepare or type court documents. Different situations may require special procedures and the Court Clerks CANNOT advise you on how to proceed or what forms may be necessary in specific situations.

### PACKET CONTAINS:

Instruction Sheet

Petition Form

Entry of Appearance & Waiver  
Form

Standard Visitation Schedule

Divorce Flowchart

Sample Dissolution of Marriage  
Petition

Sample Entry of Appearance &  
Waiver

# **INSTRUCTIONS**

## **PETITION FOR DISSOLUTION OF MARRIAGE**

### **IMPORTANT INFORMATION- PLEASE READ!**

1. Petition for Dissolution of Marriage must be typed **DOUBLE-SPACED** and on **LETTER SIZE PAPER** (8 ½ X 11).
2. Petition for Dissolution of Marriage must be signed in front of the Court Clerk or a notary public when you are ready to file.
3. Filing fees, copies, etc., must be made in the form of a **CASHIER'S CHECK or MONEY ORDER** and made be payable to "BUREAU OF INDIAN AFFAIRS". Filing Fees **MUST** be paid at the time of filing your petition. If you are unsure of the amount of filing fees, contract the Court Clerk.
4. Submit original Petition for Dissolution of Marriage and one (1) copy of the petition (if the defendant has signed an Entry of Appearance and Waiver you only have to submit an original petition), you should retain a copy of the petition for your records. If the Court Clerk makes your copies you will be charged a **\$1.00 PER PAGE**.
5. Petition for Dissolution of Marriage must have the **FULL ADDRESS (include city, state, & zip)** of both parties. Obtaining this information is your responsibility.
6. The Petition for Dissolution of Marriage form is a guide to use in preparing the petition. **DO NOT** fill in the blanks and submit for filing. **IT MUST BE RETYPED**.
7. Petition for Dissolution of Marriage filed **MUST have copies of the plaintiff and/or defendant tribal enrollment card/CDIB and if minor children are listed in the petition copies of each child's birth certificate and be submitted with the Petition for Dissolution of Marriage**. Obtaining these documents is **YOUR** responsibility.

**Petitions WILL NOT be accepted without a tribal enrollment card or CDIB!**

#### **FILING FEES – DISSOLUTION OF MARRIAGE**

	<b>FEE</b>
Petition for Dissolution of Marriage.....	\$ 60.00
Summons/Service Fee .....	\$ 25.00
<b><u>Without</u> Entry of Appearance and Waiver</b>	<b>TOTAL \$85.00</b>

**SHOULD THE DEFENDANT AGREE TO SIGN THE ENTRY OF APPEARANCE AND WAIVER, IT MUST BE SIGNED IN FRONT OF A NOTARY PUBLIC OR COURT CLERK AND SUBMIT WITH PETITION.**

Petition for Dissolution of Marriage.....	\$ 60.00
<b><u>With</u> Entry of Appearance and Waiver</b>	<b>TOTAL \$ 60.00</b>

**OFFICE HOURS: 9:00 am–12:00 pm and 1:00 pm–4:00 pm, MONDAY–THURSDAY**

Court Clerk's Office phone no.: 405/247-8511 or 405/247-8508

Mailing address: Court of Indian Offenses  
PO Box 368  
Anadarko, OK 73005



\_\_\_\_\_,  
 \_\_\_\_\_ Tribal Member or Non-Indian,  
 Plaintiff,  
 \_\_\_\_\_  
 VS. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ Tribal Member or Non-Indian,  
 Defendant.

Case No. JFD-\_\_\_\_ - \_\_\_\_\_

**COMES NOW,** \_\_\_\_\_, Plaintiff herein, pro se and files this Petition for Dissolution of Marriage against \_\_\_\_\_, Defendant herein, in the Court of Indian Offenses for the Southern Plains Region, the Plaintiff alleges and states the following:

1. That the Court of Indian Offenses for the Southern Plains Region has subject matter jurisdiction to hear and decide this matter in accordance to 25 CFR 11.605, because the parties have lived separate and apart for at least 180 days prior to the filing this petition and the plaintiff/defendant currently resides within the Indian country under the jurisdiction of the Court and has resided there for at least 90 days and that said residence will be maintained until the final hearing in this matter;  
**OR**  
That the Court of Indian Offenses for the Southern Plains Region has subject matter jurisdiction to hear and decide this matter accordance to 25 CFR 11.605, because there is serious marital discord that exist and there is no reasonable prospect of reconciliation and the plaintiff/defendant currently resides within the Indian country under the jurisdiction of this Court and has resided there for at least 90 days and that said residence will be maintained until the final hearing in this matter;
2. That the Court of Indian Offenses for the Southern Plains Region has personal jurisdiction to hear and decide this matter according to 25 CFR 11.116;
3. That the Plaintiff is an enrolled member of the \_\_\_\_\_ Tribe of Oklahoma. A copy of the Plaintiff's Tribal enrollment card/Certificate Degree of Indian Blood is submitted along with the petition to the Court; **OR**  
That the Plaintiff is non-Indian;
4. That the Defendant is an enrolled member of the \_\_\_\_\_ Tribe of Oklahoma. A copy of the Defendant's Tribal enrollment card/Certificate Degree of Indian Blood is submitted along with the petition to the Court; **OR**  
That the Defendant is non-Indian;

5. That the Plaintiff's address is \_\_\_\_\_ (list full address – including city, state & zip) and has lived at this address for \_\_\_\_\_; **(STATE LENGTH OF TIME IN MONTHS OR YEARS AT THIS ADDRESS);**
6. That the Defendant's address is \_\_\_\_\_ (list full address – including city, state & zip) and has lived at this address for \_\_\_\_\_; **(STATE LENGTH OF TIME IN MONTHS OR YEARS AT THIS ADDRESS);**
7. That the Plaintiff and Defendant were legally/common law married at \_\_\_\_\_, \_\_\_\_\_ (City/State) on \_\_\_\_\_, \_\_\_\_\_ (Date);
8. That the Plaintiff is \_\_\_\_\_ years old and his/her occupation is \_\_\_\_\_; and the Defendant is \_\_\_\_\_ year old and his/her occupation is \_\_\_\_\_;
9. That of the marriage no children have been born; **OR**  
That of the marriage \_\_\_\_\_ child(ren) have been born and a copy of each minor child's birth certificate is submitted with the petition to the Court. Child(ren) born of the marriage are:
- LIST ALL CHILDREN'S NAMES, BIRTHDATES & ADDRESSES REGARDLESS OF THEIR AGES. IF CHILD IS DECEASED, LIST CHILD'S NAME, BIRTHDATE & DATE OF DEATH.**
10. That the Plaintiff/Defendant is not pregnant; **OR**  
That the Plaintiff/Defendant is pregnant and the birth of said child is expected on or about \_\_\_\_\_, \_\_\_\_\_ (list date), and that the father of said child is \_\_\_\_\_;
11. That the Plaintiff does not need a restraining order; **OR**  
That the Plaintiff needs a restraining order because the Plaintiff fears the Defendant may attempt to harm, harass and/or molest the Plaintiff;
12. That the parties have not accumulated any property that needs to be divided by the Court; **OR**  
That the parties have acquired certain property either by real estate and/or personal that needs to be divided by the Court in that the Plaintiff shall receive the following: (list items); and that the Defendant shall receive the following: (list items);
13. That the parties have not acquired any debts that need to be addressed by the Court; **OR**  
That the parties have acquired debts that need to be divided by the Court in that the Plaintiff shall be responsible for the following debts: (list debts & include account #'s); and the Defendant shall be responsible for the following debts: (list debts & include account #'s);
- (IF 10., 11., & 12. DOES NOT APPLY LEAVE IT OUT)**
14. That the Plaintiff/Defendant is a fit and proper person to have custody of the minor child(ren) of the parties;
15. That the Plaintiff/Defendant should have visitation with the minor child(ren) at reasonable times and places; **OR**  
That the Plaintiff/Defendant should have visitation with the minor child(ren) according to the Court's standard visitation schedule and a copy of the standard visitation schedule is submitted with the petition to the Court; **(NOTE: The standard visitation schedule is included in this packet. It does not have to be retyped, just submit it with your petition when you file.) OR**



That the Plaintiff/Defendant should have visitation with the minor child(ren) according to the following schedule: (list recommended schedule);

16. That the Plaintiff/Defendant should be ordered pay child support according to the child support guidelines through the office of Tribal Child Support Enforcement and that both Plaintiff and Defendant will submit their income records to the Tribal Child Support Enforcement; **OR**  
That no child support should be ordered because the children of the marriage have reached the age of majority;

17. That the Plaintiff/Defendant should not be required to pay any spousal support to the Plaintiff/Defendant; **OR**  
That the Plaintiff/Defendant should be required to pay spousal support to the Plaintiff/Defendant in the amount of \$\_\_\_\_\_ per month until plaintiff/defendant remarries or until further order of the Court.

18. That the Plaintiff/Defendant should be restored to her former name of (list former name); **OR**  
That the plaintiff/defendant should not be restored to her former name;

19. That no other divorce action has been filed by either the Plaintiff or Defendant in any other state or tribal court as of this date; **OR**  
That another divorce action has been filed in \_\_\_\_\_ County, \_\_\_\_\_, Oklahoma, and that said case number is \_\_\_\_\_;

**WHEREFORE**, the Plaintiff prays that the Court grant and award the Plaintiff a decree of divorce from the Defendant as requested in this petition and a hearing be set as soon as the Court deems necessary.

\_\_\_\_\_  
NAME, Plaintiff  
FULL ADDRESS (include city, state & zip)  
TELEPHONE NO.  
EMAIL ADDRESS (If available)

#### **VERIFICATION**

I, \_\_\_\_\_, being duly sworn to tell the truth and being of lawful age above 18 years of age, hereby states that I have prepared and read this petition and verify that all of the factual allegations contained in this petition are in fact true and correct to the best of my knowledge and belief, **UNDER PENALTY OF PERJURY.**

\_\_\_\_\_  
NAME, Plaintiff

**SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.**

\_\_\_\_\_  
Court Clerk/Deputy

\_\_\_\_\_, )  
Plaintiff, )  
VS. ) Case No. JFD-\_\_\_\_\_-\_\_\_\_\_  
\_\_\_\_\_, )  
Defendant. )

## **COURT CLERK/DEPUTY**

## STANDARD VISITATION SCHEDULE

PLAINTIFF: \_\_\_\_\_

DEFENDANT: \_\_\_\_\_

CASE NO.: \_\_\_\_\_

The non-custodial parent shall have visitation with the minor child(ren) of the parties as follow:

### **REGULAR VISITATION**

Every other weekend from 6:00 p.m. Friday to 6:00 p.m. Sunday.

### **HOLIDAY VISITATION**

In even number years (2010, etc.) the non-custodial parent shall have visitation according to the following schedule:

EASTER: 6 p.m. Friday preceding Easter until Easter Sunday at 10 p.m.  
INDEPENDENCE DAY: Evening preceding July 4 until 10 p.m. on July 4.  
CHRISTMAS: Wednesday preceding Thanksgiving until 10 p.m. Sunday.  
CHILD'S BIRTHDAY: 8 a.m. on day of birthday until 6 p.m. on day of birthday

In odd numbered years (2011, etc.) the non-custodial parent shall have visitation according to the following schedule:

MEMORIAL DAY: 6 p.m. Friday preceding Memorial Day until 10 p.m. Monday  
LABOR DAY: 6 p.m. Friday preceding Labor Day until 10 p.m. Monday  
CHRISTMAS: 6 p.m. Christmas Day until 6 p.m. December 26

The holiday visitation schedule set out above is to be observed whether or not it coincides with the regular every other weekend visitation schedule and is in addition thereto. However, it is intended that the holidays alternate between custodial and non-custodial parents. Therefore, on those occasions when non-custodial shall not occur.

### **SPECIAL VISITATION**

With respect to Father's Day and Mother's Day, if the father is the non-custodial parent, and if Father's Day falls on a weekend not regularly scheduled for parental visitation, he shall have visitation on Father's Day from 12 noon until 10 p.m. If Mother's Day falls within the weekend of father's visitation, he shall return the child(ren) to the mother by 12 noon on Mother's Day. If the mother is the non-custodial parent, the reverse shall apply.

### **SUMMER VISTATION**

The non-custodial parent shall have summer visitation for two 2-week periods from 8:00 a.m. June 15 until 6:00 p.m. June 30 and from 8:00 a.m. July 15 until 6:00 p.m. July 30th. The alternating weekend visits shall remain in effect.

This visitation is for the purpose of providing assured minimum amounts of visitation between non-custodial parent and child(ren). Visitation should exceed the number of occasions set out herein. In addition, liberal telephone communications between non-custodial parent and child(ren) are encouraged.

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PHIL LUJAN, Magistrate

# DIVORCE FLOW CHART: Divorce Process

**"PETITION FOR DISSOLUTION OF MARRIAGE"** - The plaintiff prepares and files the *petition* with the Court Clerk. This is the document filed by the plaintiff to start the divorce action.

If a Entry of Appearance and Waiver is NOT filed with the Petition for Dissolution of Marriage

If an Entry of Appearance and Waiver is filed with the Petition for Dissolution of Marriage.

▼  
**"SUMMONS"** - The Court Clerk will prepare *summons* to defendant advising him/her that that have 30 days to answer to the petition.

▼  
**"SERVICE OF PROCESS"** - Serve defendant with copy of the petition and summons sent certified mail.

▼  
**"ANSWER"** - Defendant must respond to the petition within 30 days. The *answer* states whether or not the defendant agrees with the petition. If the defendant doesn't file an answer, the Court assumes that the defendant agrees to the terms in the petition.

▼  
**"NOTICE OF HEARING"** - Plaintiff and defendant will receive a *notice of hearing* advising the parties of the scheduled divorce hearing date and time.

▼  
**"DIVORCE HEARING"** - The Judge will review the case file and ask a few basic factual questions to the plaintiff and defendant. The Judge will rule on matters of the case including, division of property, debts and, if applicable, will act in the best interest of the child(ren) in determining child custody, child support and visitation.

▼  
**"DIVORCE DECREE"** - The plaintiff and defendant will receive a certified *divorce decree* in the mail 2 weeks after the hearing. The divorce decree is an official document of the decision of the Judge.



**IN THE COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION  
ANADARKO, OKLAHOMA**

**JANE ANN REDSKIN,**  
**Kiowa Tribal Member,**  
**Plaintiff,**

**VS.**

**BILL JACK REDSKIN,**  
**Apache Tribal Member,**  
**Defendant.**

**Case No. JFD-\_\_\_\_ - \_\_\_\_**

**PETITION FOR DISSOLUTION OF MARRIAGE**

**COMES NOW**, Jane Ann Redskin, Plaintiff herein, pro se, and files this Petition for Dissolution of Marriage against Bill Jack Redskin, Defendant herein, in the Court of Indian Offenses for the Southern Plains Region, the Plaintiff alleges and states the following:

1. That the Court of Indian Offenses for the Southern Plains Region has subject matter jurisdiction to hear and decide this matter accordance to 25 CFR 11.605, because there is serious marital discord that exist and there is no reasonable prospect of reconciliation and the Plaintiff currently resides within the Indian country under the jurisdiction of the Court and has resided there for at least 90 days and that said residence will be maintained until the final hearing in this matter;
2. That the Court of Indian Offenses for the Southern Plains Region has personal jurisdiction to hear and decide this matter according to 25 CFR 11.116;
3. That the Plaintiff is an enrolled member of the Kiowa Tribe of Oklahoma. A copy of the Plaintiff's Tribal enrollment card is submitted with the petition to the Court;
4. That the Defendant is an enrolled member of the Apache Tribe of Oklahoma. A copy of the Defendant's Certificate Degree of Indian Blood is submitted with the petition to the Court;

5. That the Plaintiff's address is 1234 Native Drive, Anadarko, Oklahoma 73005 and has lived at this address for 22 years;
6. That the Defendant's address is P.O. Box 0000 (100 Buckskin Road), Anadarko, Oklahoma 73005 and has lived at this address for 4 months;
7. That the Plaintiff and Defendant were legally married at Anadarko, Oklahoma on April 1, 1994;
8. That the Plaintiff is 41 years old and her occupation is Real Estate Agent; and the Defendant is 40 year old and his occupation is Facilities Manager;
9. That of the marriage 2 children have been born and a copy of each minor child's birth certificate is submitted with the petition to the Court. Children born of the marriage are:  
  
Amy Ann Redskin, DOB: 08/01/2000  
1234 Native Drive, Anadarko, Oklahoma 73005  
  
Jack David Redskin, DOB: 10/31/1999  
1234 Native Drive, Anadarko, Oklahoma 73005
10. That the Plaintiff is not pregnant;
11. That the Plaintiff does not need a restraining order;
12. That the parties have acquired certain property either by real estate and/or personal that needs to be divided by the Court in that the Plaintiff shall receive the following: 2000 Chevy Impala VIN #123459789101112131415, household furnishings and personal belongings; and that the Defendant shall receive the following: 1987 Ford F-150 VIN 999888777444555666 and all personal belongings;
13. That the parties have acquired debts that need to be divided by the Court in that the Plaintiff shall be responsible for the following debts: Blue Feather Loan Account #121212 balance \$1100.00, NDN Bank Loan Account #232323 balance \$333.00 and Sun Jewelry Account #33443344 balance \$99.00; and the Defendant shall be responsible for the following debts: River Falls Hospital Account #4949 Balance \$5600.00;



14. That the Plaintiff is a fit and proper person to have custody of the minor children of the parties;
15. That the Defendant should have visitation with the minor children according to the Court's standard visitation scheduled and a copy of the standard visitation is submitted with the petition to the Court;
16. That the Defendant should be ordered pay child support according to the child support guidelines through the office of Tribal Child Support Enforcement and that both Plaintiff and Defendant will submit their income records to the Tribal Child Support Enforcement.
17. That the Defendant should not be required to pay any spousal support to the Plaintiff;
18. That the Plaintiff should be restored to her former name of Jane Ann Buffalo;
19. That no other divorce action has been filed by either the Plaintiff or Defendant in any other state or tribal court as of this date;

**WHEREFORE**, the Plaintiff prays that the Court grant and award the Plaintiff a decree of divorce from the Defendant as requested in this petition and a hearing be set as soon as the Court deems necessary.

JANE ANN REDSKIN, Plaintiff  
1234 Native Drive  
Anadarko, Oklahoma 73005  
405/247-0000  
janeannredskin@yahoo.net

**VERIFICATION**

I, Jane Ann Redskin, being duly sworn to tell the truth and being of lawful age above 18 years of age, hereby states that I have prepared and read this petition and verify that all of the factual allegations contained in this petition are in fact true and correct to the best of my knowledge and belief, **UNDER PENALTY OF PERJURY.**

JANE ANN REDSKIN, Plaintiff

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF  
\_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Court Clerk/Deputy

SAMPLE



**IN THE COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION  
ANADARKO, OKLAHOMA**

JANE ANN REDSKIN,                     )  
  Plaintiff,                     )  
  )  
VS.   )  
  )  
BILL JACK REDSKIN,                    )  
  Defendant.                    )

Case No. JFD-\_\_\_\_-\_\_\_\_

**ENTRY OF APPEARANCE AND WAIVER**

COMES NOW, the Defendant herein, the undersigned, and acknowledges receipt of a copy of the petition filed, and states that he/she has read and understands the same, hereby waives the issuance, service, and return of process upon him/her in the is action, enters a voluntary appearance in this cause and submits to the jurisdiction of the Court of Indian Offenses for the Southern Plains Region, waiving all time and right to plead and answer, or appear in this action, and consents that the same may be set down for trial and heard by the Court at any time hereafter without notice to, and in the absence of this Defendant.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature

Please print your name & address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

**SHOULD YOU AGREE TO SIGN THIS WAIVER, PLEASE SIGN IN FRONT OF A NOTARY PUBLIC OR COURT CLERK AND RETURN TO THIS OFFICE EITHER BY MAIL OR IN PERSON.**

State of Oklahoma;                     )  
County of \_\_\_\_\_                     )

Before me, the undersigned Notary Public, came \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to me known to be the identical person who executed the above and foregoing Entry of Appearance and Waiver, and personally acknowledged to me that he/she has read, understood, and signed the same, and that he/she executed the same as his/her free and voluntary act and deed for the uses and purposes therein set forth. IN WITNESS THEREOF I have hereunto affixed my signature and official seal the date heretofore stated.

(SEAL)

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

**SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_,**  
**20\_\_\_\_.**

\_\_\_\_\_  
COURT CLERK/DEPUTY